

**From:** Cannon, Phillippa [Cannon.Phillippa@epa.gov]  
**Sent:** 4/9/2015 2:04:46 PM  
**To:** Hedman, Susan [hedman.susan@epa.gov]; Kaplan, Robert [kaplan.robert@epa.gov]; Hyde, Tinka [hyde.tinka@epa.gov]; Henry, Timothy [henry.timothy@epa.gov]; Frey, Bert [frey.bertram@epa.gov]; Rowan, Anne [rowan.anne@epa.gov]; Cassell, Peter [cassell.peter@epa.gov]; Maraldo, Dean [Maraldo.Dean@epa.gov]; Beckmann, Ronna Erin [beckmann.ronna@epa.gov]; Fortin, Denise [Fortin.Denise@epa.gov]; Deamer, Eileen [deamer.eileen@epa.gov]  
**Subject:** Milwaukee JS story about water pollution from farms in Kewaunee County

## Groups, farm sparring over manure spreading | Water pollution investigation sought

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**Author:** LEE BERGQUIST, lbergquist@journalsentinel.com, Milwaukee Journal Sentinel: Staff  
Environmentalists and others in northeastern Wisconsin launched their latest attack Wednesday on large dairy farms, which they say are responsible for polluting ground and surface water.

Environmental groups asked the U.S. **Environmental Protection Agency** and the state Department of Natural Resources to investigate what the groups found: Large quantities of manure from a single farm, Kinnard Farms of Casco in Kewaunee County, is the likely source of polluting drinking water and streams in the Town of Lincoln.

David A. Crass, a Madison-based lawyer for the farm, hadn't yet reviewed the request but rejected the premise that the farm is responsible for such problems.

The actions come after the groups in October 2014 asked the EPA to exercise emergency powers under the Safe Drinking Water Act to investigate groundwater contamination across the county.

Last year's request occurred two weeks before Republican Gov. Scott Walker's victory over Democrat Mary Burke.

The **environmental** groups asked for EPA intervention because they said the DNR had failed to enforce safe manure spreading practices.

The DNR denied this and said it is enforcing manure regulations at the state's largest farms.

Kewaunee County has become the focal point of a growing tension between large-scale farms, environmentalists and rural landowners who are opposed to odor and the effects of manure spreading of big dairies.

On Tuesday in a referendum, residents there voted 3,614-731 to prohibit manure spreading between Jan. 1 and April 15 - a period when melting snow and manure can soak into the ground and have a greater chance of tainting public waters.

Kewaunee County has experienced a growth in dairy farming while facing a special challenge of karst geology - the county's soil overlays fractured bedrock, which allows pollutants to more easily trickle into groundwater.

Kinnard previously has been a target of environmentalists.

In November 2014, an administrative law judge agreed that the farm could roughly double the size of its herd to 8, 710 animal units.

One animal unit is equivalent to a 1, 000-pound cow. Environmentalists challenged Kinnard's application to expand.

But Judge Jeffrey Boldt also found that numerous contaminated wells in the area "represented a massive regulatory failure to protect groundwater."

DNR officials have disputed that characterization. In northeastern Wisconsin, agriculture of all sizes has been a prime source of fertilizer and manure that has helped create a growing dead zone in Green Bay.

On Wednesday, the Wisconsin Dairy Business Association issued a statement saying the largest farms are heavily regulated and required to have zero discharge of phosphorus - a prime ingredient in the oxygen-deprived zones of the lake.

Claims called repetitive Crass, the lawyer for Kinnard, said the claims in the 238-page petition sound similar to those that he said lawyers for 15 large dairy farms debunked last year in a lengthy response to the EPA.

Lawyers for the large farms, known as concentrated animal feeding operations, or CAFOs, told the EPA that **environmental** groups were cherry-picking data from wells that had a history of problems and still failed to show the farms were the source of problems.

They also said data in the county from a 2014 Wisconsin Groundwater Coordinating Council report showed nitrate pollution was within the range of private wells across the state.

The amount still exceeded a state maximum limit, but the lawyers argued "nitrate is a statewide issue and is not at all unique to Kewaunee County."

"The punch line here," Crass said in an interview, "is that the petitioners are asking the agencies to take some extreme remedy in a situation that is quite frankly not that different from conditions we see generally."

Groups cite wells study Wednesday's action came from the **Environmental** Integrity Project of Washington, D.C., Kewaunee Citizens Advocating Responsible **Environmental** Stewardship and Cleanwater Action Council of Northeast Wisconsin.

The groups used data that included independent well testing, manure spreading reports from Kinnard and analyses from a hydrogeologist hired by the group. They found evidence that pollution problems in the Town of Lincoln coincided with areas where Kinnard spreads manure.

The groups noted that a study of drinking wells in 2013 by the Center for Watershed Science and Education at the University of Wisconsin-Stevens Point and Kewaunee County's conservation department showed that 51% of 38 private wells tested had bacteria or nitrate levels that exceeded state standards and were not considered safe.

"Spreading massive quantities of liquid manure on fields vulnerable to groundwater contamination threatens public health and the environment, and widespread drinking water contamination near Kinnard is a major concern," said Tarah Heinzen, an attorney for the **Environmental** Integrity Project.

In a statement, an EPA spokeswoman said that the **agency** is "currently working with the Wisconsin Department of Natural Resources on potential remedies to the groundwater issues in Kewaunee County." DNR spokesman Bill Cosh said that **agency** has met with the EPA, county officials and owners of large farms on the matter.

It will also meet with groups that filed Tuesday's request.

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Phillippa Cannon  
Office of External Communications  
U.S. EPA Region 5  
312-353-6218